

Notice of Allowability

Application No.

10/731,585

Examiner

L. Amerson

Applicant(s)

SUKHOVITSKY, FELIKS

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3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/10/05.
2. ☒ The allowed claim(s) is/are 1 and 11-14.
3. ☒ The drawings filed on 10 February 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anthony Campbell on April 27, 2005. The application has been amended as follows:

In the Abstract:

Lines 7-11, "attachments either have caster wheels attached or are coated with polytetrafluoroethylene so that they can be rolled or slid on a variety of surfaces. The elbow attachments and knee attachments are removably secured to the user by straps with hook and loop fasteners. The foot attachments have shoes that can be worn on the user's feet, and the hand attachments have a hand pad that can be grasped by the user. Alternatively, the hand" has been changed to --attachments have caster wheels attached so that they can roll on a variety of surfaces. The hand--.

In the claims:

Cancel claims 5-10 and 15-20.

Claim 1 (currently amended)

An exercise kit comprising: a glove having opposing ends comprising a hand attachment and an elbow attachment, an elbow base attached to one end of said glove, a hand base attached to said opposing end of said glove, and a plurality of wheels

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attached to the bottom of said hand base and said elbow base; a boot having opposing ends comprising a knee attachment and a foot attachment, a knee base attached to one end of said boot and a foot base attached to an opposing end of said boot and a plurality of wheels attached to the bottom of said knee base and said foot base.

Claim 11 (currently amended)

The exercise kit as defined in claim 1 wherein said wheels are casters.

Claim 12 (currently amended)

The exercise kit as defined in claim 1 further comprising: a hand pad attached to the top of said hand base; an elbow pad attached to the top of said elbow base; and a knee pad attached to the top of said knee base.

Claim 14

The exercise kit as defined in claim 1 wherein said hand base, said elbow base, said foot base and said knee base are selected from the group consisting of plastic, steel, aluminum, titanium, wood, and carbon fiber composite.

2. The following is an examiner's statement of reasons for allowance: although the prior art of Shibata, Walker et al, and Stoner show a device having a boot or stocking

with a pad at the knee, Ferriter, Legenstein, Davidson, Ferguson, Monreal and Cooper show a device having a knee pad with wheels and Sullivan et al shows a device having a scooter with front and rear wheels, and Prater shows a device having a glove with a roller, the prior art fails to teach or suggest singularly, or an obvious combination of a kit having a glove comprising a hand attachment and an elbow attachment and a boot comprising a knee attachment and a foot attachment where a hand base is attached at one end of the glove and an elbow base is attached at an opposing end of the glove and a plurality of wheels are attached to the hand and elbow base respectively.

Furthermore, a knee base is attached at one end of the boot and a foot base is attached at an opposing end of the boot and a plurality of wheels is attached to the knee and foot base respectively as recited in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to L Amerson whose telephone number is (571) 272-4971. The examiner can normally be reached on Mon.-Fri from 9-6 p.m. Interviews Tue. and Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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PRIMARY EXAMINER
ART UNIT 332